

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 5:19-cv-00017-JVS (MAA) Date: February 20, 2019

Title Elijah Lee Miller vs. West Valley Detention Center

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Present: The Honorable MARIA A. AUDERO, United States Magistrate Judge

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Cheryl Wynn  
Deputy Clerk

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N/A  
Court Reporter / Recorder

Attorneys Present for Plaintiff:  
N/A

Attorneys Present for Defendants:  
N/A

**Proceedings (In Chambers):      Order to Show Cause Why This Case Should Not Be  
Dismissed for Want of Prosecution**

On January 3, 2019, Plaintiff submitted a civil rights Complaint pursuant to 42 U.S.C. § 1983 (“Complaint”). (ECF No. 1.) However, Plaintiff neither paid the required \$400 filing fee nor filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (See ECF No. 2.)

On January 4, 2019, the Court issued an Order Regarding Application to Proceed *In Forma Pauperis* or Payment of Filing Fee and Dismissing Complaint with Leave to Amend (“Order”). (ECF No. 4.) The Court ordered Plaintiff, within 30 days after the Order, to submit the \$400 filing fee or application to proceed *in forma pauperis* with supporting documentation. (*Id.* at 1.) The Order also dismissed the Complaint with leave to amend and ordered Plaintiff, if he still wished to pursue the action, to file a First Amended Complaint within 30 days after the Order utilizing the standard civil rights complaint form for prisoners. (*Id.* at 2.) The Court cautioned Plaintiff that failure to comply with the Order would result in a recommendation that the Complaint be dismissed. (*Id.* at 1-2.)

To date, Plaintiff has failed to (1) submit either the \$400 filing fee or an application to proceed *in forma pauperis*, and (2) file a First Amended Complaint.

Plaintiff is **ORDERED TO SHOW CAUSE** by **March 22, 2019** why the Court should not recommend that the case be dismissed for want of prosecution. C.D. Cal. L.R. 41-1. If on or before that date, Plaintiff (1) submits the \$400 filing fee or an application to proceed *in forma pauperis*, and (2) files a First Amended Complaint, then the Order to Show Cause will be discharged, and no

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additional action need be taken. Plaintiff is advised that failure to respond to this Order to Show Cause will result in a recommendation that the Complaint be dismissed.

It is so ordered.

**Initials of Preparer** **cw**